

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

SAMUEL MADIGAN PIERCE,)
)
 Plaintiff)
)
 v.) **No. 2:22-cv-00086-LEW**
)
 THOMAS MADIGAN PIERCE)
 et al.,)
)
 Defendants)

RECOMMENDED DISMISSAL

Pro se Plaintiff Samuel Madigan Pierce initiated this suit on April 7, 2022, but did not pay this Court's filing fee or file a motion to proceed *in forma pauperis* (IFP). *See* ECF No. 1. By an order dated that same day, I directed the Clerk's Office to provide Pierce with an IFP application and warned that if he failed to file such an application or pay the filing fee by April 28, 2022, his case would be subject to dismissal. *See* ECF No. 4. The Clerk's Office emailed an IFP application to Pierce. Nevertheless, Pierce did not file an IFP application or pay the filling fee by the deadline; nor has he done so since then.

Pierce's failure to pay the filing fee or file an IFP application warrants the dismissal of his action without prejudice. *See, e.g., Oliver v. Versant Power*, No. 1:21-cv-00225-JAW, 2021 WL 4942861, at *1-2 (D. Me. Oct. 21, 2021) (rec. dec.), *aff'd*, 2021 WL 5371550 (D. Me. Nov. 17, 2021) (dismissing a plaintiff's case without prejudice where the plaintiff did not pay the filing fee or file an IFP application); *Lazore v. Harrigan*, No. 1:21-cv-00239-GZS, 2021 WL 4761985, at *1-2 (D. Me.

Oct. 11, 2022) (rec. dec.), *aff'd*, 2021 WL 5182663 (D. Me. Nov. 8, 2021) (same). Accordingly, I recommend that this case be ***DISMISSED*** without prejudice and that Pierce's motion for a temporary restraining order (ECF No. 5) be ***DEEMED MOOT***.

NOTICE

In accordance with Federal Rule of Civil Procedure 72(a), a party may serve and file an objection to this order within fourteen (14) days after being served with a copy thereof.

Failure to file a timely objection shall constitute a waiver of the right to review by the District Court and to any further appeal of this order.

Dated: May 20, 2022

/s/ Karen Frink Wolf
United States Magistrate Judge